

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAFAEL SALAS,

Plaintiff,

v.

C. PFEIFFER, et al.,

Defendants.

No. 1:21-cv-00669-DAD-EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. Nos. 36, 42)

Rafael Salas (“plaintiff”) is a state prisoner proceeding *pro se* in this civil rights action. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 20, 2021, defendants filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(1). (Doc. No. 36.) On March 24, 2022, the assigned magistrate judge entered findings and recommendations, recommending that:

1. Defendants’ motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(1) be granted in part and denied in part;
2. Defendants’ request to dismiss Plaintiff’s request for injunctive relief be denied; and
3. Plaintiff’s request for declaratory relief be dismissed.

(Doc. No. 42, pgs. 7-8.)

1 The parties were provided an opportunity to file objections to the findings and
2 recommendations. Plaintiff filed his objections on April 11, 2022. (Doc. No. 44.) Defendants
3 did not file objections, but on April 20, 2022, they filed a reply to plaintiff's objections (Doc. No.
4 46.).

5 In his objections, Plaintiff argues that his claim for declaratory relief should not be
6 dismissed because "declaratory relief will provide guideposts to defendants' policy, procedures,
7 conduct and customs in processing and affirmatively effectuating the marriage process." (Doc.
8 No. 44, p. 2). In reply, Defendant argues that this would render the opinion an advisory opinion.
9 (Doc. 46, p. 2). Both arguments are unpersuasive to alter the Findings and Recommendations of
10 the Magistrate Judge. As stated in the Findings and Recommendations, "[d]eclaratory relief
11 should be denied where it will neither serve a useful purpose in clarifying and settling the legal
12 relations in issue nor terminate the proceedings and afford relief from uncertainty and controversy
13 faced by the parties.'" (Doc. 42, p. 7, quoting *United States v. State of Washington*, 759 F.2d
14 1353, 1357 (9th Cir. 1985). Here, because the Court will adopt the Magistrate Judge's findings
15 and recommendations to deny Defendants' request to dismiss Plaintiff's request for injunctive
16 relief, this action has the potential to reach trial and return a verdict in favor of Plaintiff that will
17 resolve the controversy at issue. (*Id.*). Therefore, a declaration that any defendant violated
18 Plaintiff's rights is unnecessary.

19 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
20 *de novo* review of the case. Having carefully reviewed the entire file, including the plaintiff's
21 objections and defendants' reply, the court concludes that the magistrate judge's findings and
22 recommendations are supported by the record and by proper analysis.

23 Accordingly,

- 24 1. The findings and recommendations issued on March 24, 2022, (Doc. No. 42), are
25 adopted in full;
- 26 2. Defendants' motion to dismiss pursuant to Federal Rule of Civil Procedure
27 12(b)(1), (Doc. No. 36), is granted in part and denied in part;
- 28 3. Defendants' request to dismiss plaintiff's request for injunctive relief is

1 denied; and

2 4. Plaintiff's request for declaratory relief is dismissed.

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5 IT IS SO ORDERED.

6 Dated: September 15, 2022


UNITED STATES DISTRICT JUDGE